

House Study Bill 257

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1118XG 82
5 jm/je/5

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2007, and ending June 30, 2008, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement:
1 12 \$ 8,667,205
1 13 It is the intent of the general assembly that as a
1 14 condition of receiving the appropriation provided in this
1 15 lettered paragraph, the department of justice shall maintain a
1 16 record of the estimated time incurred representing each agency
1 17 or department.
1 18 b. For victim assistance grants:
1 19 \$ 5,000
1 20 The funds appropriated in this lettered paragraph shall be
1 21 used to provide grants to care providers providing services to
1 22 crime victims of domestic abuse or to crime victims of rape
1 23 and sexual assault.
1 24 c. For legal services for persons in poverty grants as
1 25 provided in section 13.34:
1 26 \$ 900,000
1 27 d. For farm mediation services pursuant to the farm
1 28 assistance program created in sections 13.13 through 13.24:
1 29 \$ 100,000
1 30 2. In addition to the funds appropriated in subsection 1,
1 31 there is appropriated from the general fund of the state to
1 32 the department of justice for the fiscal year beginning July
1 33 1, 2007, and ending June 30, 2008, an amount not exceeding
1 34 \$200,000 to be used for the enforcement of the Iowa
1 35 competition law. The funds appropriated in this subsection
2 1 are contingent upon receipt by the general fund of the state
2 2 of an amount at least equal to the expenditure amount from
2 3 either damages awarded to the state or a political subdivision
2 4 of the state by a civil judgment under chapter 553, if the
2 5 judgment authorizes the use of the award for enforcement
2 6 purposes or costs or attorneys fees awarded the state in state
2 7 or federal antitrust actions. However, if the amounts
2 8 received as a result of these judgments are in excess of
2 9 \$200,000, the excess amounts shall not be appropriated to the
2 10 department of justice pursuant to this subsection. The
2 11 department of justice shall report the department's actual
2 12 costs and an estimate of the time incurred enforcing the
2 13 competition law, to the co-chairpersons and ranking members of
2 14 the joint appropriations subcommittee on the justice system,
2 15 and to the legislative services agency by November 15, 2007.
2 16 3. In addition to the funds appropriated in subsection 1,
2 17 there is appropriated from the general fund of the state to
2 18 the department of justice for the fiscal year beginning July
2 19 1, 2007, and ending June 30, 2008, an amount not exceeding

2 20 \$1,125,000 to be used for public education relating to
2 21 consumer fraud and for enforcement of section 714.16, and an
2 22 amount not exceeding \$75,000 for investigation, prosecution,
2 23 and consumer education relating to consumer and criminal fraud
2 24 against older Iowans. The funds appropriated in this
2 25 subsection are contingent upon receipt by the general fund of
2 26 the state of an amount at least equal to the expenditure
2 27 amount from damages awarded to the state or a political
2 28 subdivision of the state by a civil consumer fraud judgment or
2 29 settlement, if the judgment or settlement authorizes the use
2 30 of the award for public education on consumer fraud. However,
2 31 if the funds received as a result of these judgments and
2 32 settlements are in excess of \$1,200,000, the excess funds
2 33 shall not be appropriated to the department of justice
2 34 pursuant to this subsection. The department of justice shall
2 35 report to the co-chairpersons and ranking members of the joint
3 1 appropriations subcommittee on the justice system, and to the
3 2 legislative services agency by November 15, 2007, the
3 3 department's actual costs and an estimate of the time incurred
3 4 in providing education pursuant to and enforcing this
3 5 subsection.

3 6 4. The balance of the victim compensation fund established
3 7 in section 915.94 may be used to provide salary and support of
3 8 not more than 22 FTEs and to provide maintenance for the
3 9 victim compensation functions of the department of justice.

3 10 5. As a condition of receiving the appropriation in
3 11 subsection 1, the department of justice shall transfer at
3 12 least \$3,200,000 from the victim compensation fund established
3 13 in section 915.94 to the victim assistance grant program.

3 14 6. a. The department of justice, in submitting budget
3 15 estimates for the fiscal year commencing July 1, 2008,
3 16 pursuant to section 8.23, shall include a report of funding
3 17 from sources other than amounts appropriated directly from the
3 18 general fund of the state to the department of justice or to
3 19 the office of consumer advocate. These funding sources shall
3 20 include but are not limited to reimbursements from other state
3 21 agencies, commissions, boards, or similar entities, and
3 22 reimbursements from special funds or internal accounts within
3 23 the department of justice. The department of justice shall
3 24 report actual reimbursements for the fiscal year commencing
3 25 July 1, 2006, and actual and expected reimbursements for the
3 26 fiscal year commencing July 1, 2007.

3 27 b. The department of justice shall include the report
3 28 required under paragraph "a", as well as information regarding
3 29 any revisions occurring as a result of reimbursements actually
3 30 received or expected at a later date, in a report to the co=
3 31 chairpersons and ranking members of the joint appropriations
3 32 subcommittee on the justice system and the legislative
3 33 services agency. The department of justice shall submit the
3 34 report on or before January 15, 2008.

3 35 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
4 1 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 2 appropriated from the environmental crime fund of the
4 3 department of justice, consisting of court-ordered fines and
4 4 penalties awarded to the department arising out of the
4 5 prosecution of environmental crimes, to the department of
4 6 justice for the fiscal year beginning July 1, 2007, and ending
4 7 June 30, 2008, an amount not exceeding \$20,000 to be used by
4 8 the department, at the discretion of the attorney general, for
4 9 the investigation and prosecution of environmental crimes,
4 10 including the reimbursement of expenses incurred by county,
4 11 municipal, and other local governmental agencies cooperating
4 12 with the department in the investigation and prosecution of
4 13 environmental crimes.

4 14 The funds appropriated in this section are contingent upon
4 15 receipt by the environmental crime fund of the department of
4 16 justice of an amount at least equal to the appropriations made
4 17 in this section and received from contributions, court-ordered
4 18 restitution as part of judgments in criminal cases, and
4 19 consent decrees entered into as part of civil or regulatory
4 20 enforcement actions. However, if the funds received during
4 21 the fiscal year are in excess of \$20,000, the excess funds
4 22 shall be deposited in the general fund of the state.

4 23 Notwithstanding section 8.33, moneys appropriated in this
4 24 section that remain unencumbered or unobligated at the close
4 25 of the fiscal year shall not revert but shall remain available
4 26 for expenditure for the purpose designated until the close of
4 27 the succeeding fiscal year.

4 28 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
4 29 appropriated from the general fund of the state to the office
4 30 of consumer advocate of the department of justice for the

4 31 fiscal year beginning July 1, 2007, and ending June 30, 2008,
 4 32 the following amount, or so much thereof as is necessary, to
 4 33 be used for the purposes designated:
 4 34 For salaries, support, maintenance, and miscellaneous
 4 35 purposes:
 5 1 \$ 2,985,115
 5 2 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.
 5 3 1. There is appropriated from the general fund of the
 5 4 state to the department of corrections for the fiscal year
 5 5 beginning July 1, 2007, and ending June 30, 2008, the
 5 6 following amounts, or so much thereof as is necessary, to be
 5 7 used for the purposes designated:
 5 8 For the operation of adult correctional institutions,
 5 9 reimbursement of counties for certain confinement costs, and
 5 10 federal prison reimbursement, to be allocated as follows:
 5 11 a. For the operation of the Fort Madison correctional
 5 12 facility, including salaries, support, maintenance, and
 5 13 miscellaneous purposes:
 5 14 \$ 43,191,909
 5 15 b. For the operation of the Anamosa correctional facility,
 5 16 including salaries, support, maintenance, and miscellaneous
 5 17 purposes:
 5 18 \$ 29,558,356
 5 19 Moneys are provided within this appropriation for one full=
 5 20 time substance abuse counselor for the Luster Heights
 5 21 facility, for the purpose of certification of a substance
 5 22 abuse program at that facility.
 5 23 c. For the operation of the Oakdale correctional facility,
 5 24 including salaries, support, maintenance, and miscellaneous
 5 25 purposes:
 5 26 \$ 54,703,304
 5 27 d. For the operation of the Newton correctional facility,
 5 28 including salaries, support, maintenance, and miscellaneous
 5 29 purposes:
 5 30 \$ 26,264,334
 5 31 e. For the operation of the Mt. Pleasant correctional
 5 32 facility, including salaries, support, maintenance, and
 5 33 miscellaneous purposes:
 5 34 \$ 25,208,526
 5 35 f. For the operation of the Rockwell City correctional
 6 1 facility, including salaries, support, maintenance, and
 6 2 miscellaneous purposes:
 6 3 \$ 8,706,242
 6 4 g. For the operation of the Clarinda correctional
 6 5 facility, including salaries, support, maintenance, and
 6 6 miscellaneous purposes:
 6 7 \$ 24,062,229
 6 8 Moneys received by the department of corrections as
 6 9 reimbursement for services provided to the Clarinda youth
 6 10 corporation are appropriated to the department and shall be
 6 11 used for the purpose of operating the Clarinda correctional
 6 12 facility.
 6 13 h. For the operation of the Mitchellville correctional
 6 14 facility, including salaries, support, maintenance, and
 6 15 miscellaneous purposes:
 6 16 \$ 15,294,520
 6 17 i. For the operation of the Fort Dodge correctional
 6 18 facility, including salaries, support, maintenance, and
 6 19 miscellaneous purposes:
 6 20 \$ 28,322,064
 6 21 j. For reimbursement of counties for temporary confinement
 6 22 of work release and parole violators, as provided in sections
 6 23 901.7, 904.908, and 906.17, and for offenders confined
 6 24 pursuant to section 904.513:
 6 25 \$ 1,199,954
 6 26 k. For federal prison reimbursement, reimbursements for
 6 27 out-of-state placements, and miscellaneous contracts:
 6 28 \$ 241,293
 6 29 2. The department of corrections shall use funds
 6 30 appropriated in subsection 1 to continue to contract for the
 6 31 services of a Muslim imam.
 6 32 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
 6 33 1. There is appropriated from the general fund of the
 6 34 state to the department of corrections for the fiscal year
 6 35 beginning July 1, 2007, and ending June 30, 2008, the
 7 1 following amounts, or so much thereof as is necessary, to be
 7 2 used for the purposes designated:
 7 3 a. For general administration, including salaries,
 7 4 support, maintenance, employment of an education director to
 7 5 administer a centralized education program for the
 7 6 correctional system, and miscellaneous purposes:

7 7 \$ 4,955,626
7 8 (1) It is the intent of the general assembly that as a
7 9 condition of receiving the appropriation provided in this
7 10 lettered paragraph, the department of corrections shall not,
7 11 except as otherwise provided in subparagraph (3), enter into a
7 12 new contract, unless the contract is a renewal of an existing
7 13 contract, for the expenditure of moneys in excess of \$100,000
7 14 during the fiscal year beginning July 1, 2007, for the
7 15 privatization of services performed by the department using
7 16 state employees as of July 1, 2007, or for the privatization
7 17 of new services by the department, without prior consultation
7 18 with any applicable state employee organization affected by
7 19 the proposed new contract and prior notification of the co=
7 20 chairpersons and ranking members of the joint appropriations
7 21 subcommittee on the justice system.
7 22 (2) It is the intent of the general assembly that each
7 23 lease negotiated by the department of corrections with a
7 24 private corporation for the purpose of providing private
7 25 industry employment of inmates in a correctional institution
7 26 shall prohibit the private corporation from utilizing inmate
7 27 labor for partisan political purposes for any person seeking
7 28 election to public office in this state and that a violation
7 29 of this requirement shall result in a termination of the lease
7 30 agreement.
7 31 (3) It is the intent of the general assembly that as a
7 32 condition of receiving the appropriation provided in this
7 33 lettered paragraph, the department of corrections shall not
7 34 enter into a lease or contractual agreement pursuant to
7 35 section 904.809 with a private corporation for the use of
8 1 building space for the purpose of providing inmate employment
8 2 without providing that the terms of the lease or contract
8 3 establish safeguards to restrict, to the greatest extent
8 4 feasible, access by inmates working for the private
8 5 corporation to personal identifying information of citizens.
8 6 (4) Funding to be used for the study, planning, and
8 7 possibility of converting to a therapeutic community model
8 8 shall also be used to study and report on the long range
8 9 impact of investing in substance abuse and mental health
8 10 treatment prior to incarceration, rather than a therapeutic
8 11 community model in the prison setting. Corrections shall
8 12 report on which method provides the best long-term return on
8 13 investment of future funding.
8 14 b. For educational programs for inmates at state penal
8 15 institutions:
8 16 \$ 1,070,358
8 17 It is the intent of the general assembly that moneys
8 18 appropriated in this lettered paragraph shall be used solely
8 19 for the purpose indicated and that the moneys shall not be
8 20 transferred for any other purpose. In addition, it is the
8 21 intent of the general assembly that the department shall
8 22 consult with the community colleges in the areas in which the
8 23 institutions are located to utilize moneys appropriated in
8 24 this lettered paragraph to fund the high school completion,
8 25 high school equivalency diploma, adult literacy, and adult
8 26 basic education programs in a manner so as to maintain these
8 27 programs at the institutions.
8 28 To maximize the funding for educational programs, the
8 29 department shall establish guidelines and procedures to
8 30 prioritize the availability of educational and vocational
8 31 training for inmates based upon the goal of facilitating an
8 32 inmate's successful release from the correctional institution.
8 33 The director of the department of corrections may transfer
8 34 moneys from Iowa prison industries for use in educational
8 35 programs for inmates.
9 1 Notwithstanding section 8.33, moneys appropriated in this
9 2 lettered paragraph that remain unobligated or unexpended at
9 3 the close of the fiscal year shall not revert but shall remain
9 4 available for expenditure only for the purpose designated in
9 5 this lettered paragraph until the close of the succeeding
9 6 fiscal year.
9 7 c. For the development of the Iowa corrections offender
9 8 network (ICON) data system:
9 9 \$ 427,700
9 10 d. For offender mental health and substance abuse
9 11 treatment:
9 12 \$ 25,000
9 13 e. For viral hepatitis prevention and treatment:
9 14 \$ 188,000
9 15 2. It is the intent of the general assembly that the
9 16 department of corrections shall continue to operate the
9 17 correctional farms under the control of the department at the

9 18 same or greater level of participation and involvement as
9 19 existed as of January 1, 2007, shall not enter into any rental
9 20 agreement or contract concerning any farmland under the
9 21 control of the department that is not subject to a rental
9 22 agreement or contract as of January 1, 2007, without prior
9 23 legislative approval, and shall further attempt to provide job
9 24 opportunities at the farms for inmates. The department shall
9 25 attempt to provide job opportunities at the farms for inmates
9 26 by encouraging labor-intensive farming or gardening where
9 27 appropriate, using inmates to grow produce and meat for
9 28 institutional consumption, researching the possibility of
9 29 instituting food canning and cook-and-chill operations, and
9 30 exploring opportunities for organic farming and gardening,
9 31 livestock ventures, horticulture, and specialized crops.

9 32 3. The department shall work to increase produce gardening
9 33 by inmates under the control of the correctional institutions,
9 34 and, if appropriate, may use the central distribution network
9 35 at the Woodward state resource center. The department shall
10 1 file a report with the co-chairpersons and ranking members of
10 2 the joint appropriations subcommittee on the justice system by
10 3 December 1, 2007, regarding the feasibility of expanding the
10 4 number of acres devoted to organic gardening and to the
10 5 growing of organic produce for sale.

10 6 4. The department of corrections shall submit a report to
10 7 the general assembly by January 1, 2008, concerning moneys
10 8 recouped from inmate earnings for the reimbursement of
10 9 operational expenses of the applicable facility during the
10 10 fiscal year beginning July 1, 2006, for each correctional
10 11 institution and judicial district department of correctional
10 12 services. In addition, each correctional institution and
10 13 judicial district department of correctional services shall
10 14 continue to submit a report to the legislative services agency
10 15 on a monthly basis concerning moneys recouped from inmate
10 16 earnings pursuant to sections 904.702, 904.809, and 905.14.

10 17 5. It is the intent of the general assembly that as a
10 18 condition of receiving the appropriation provided in
10 19 subsection 1, the department shall not enter into any
10 20 agreement with a private sector nongovernmental entity for the
10 21 purpose of housing inmates committed to the custody of the
10 22 director of the department, without express authorization of
10 23 the general assembly to do so.

10 24 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
10 25 SERVICES.

10 26 1. There is appropriated from the general fund of the
10 27 state to the department of corrections for the fiscal year
10 28 beginning July 1, 2007, and ending June 30, 2008, for the
10 29 treatment and supervision of probation and parole violators
10 30 who have been released from the department of corrections
10 31 violator program the following amounts, or so much thereof as
10 32 is necessary, to be allocated as follows:

10 33 a. For the first judicial district department of
10 34 correctional services:

10 35 \$ 12,012,728

11 1 b. For the second judicial district department of
11 2 correctional services:

11 3 \$ 9,526,073

11 4 c. For the third judicial district department of
11 5 correctional services:

11 6 \$ 5,664,144

11 7 d. For the fourth judicial district department of
11 8 correctional services:

11 9 \$ 5,054,664

11 10 e. For the fifth judicial district department of
11 11 correctional services, including funding for electronic
11 12 monitoring devices for use on a statewide basis:

11 13 \$ 17,115,974

11 14 f. For the sixth judicial district department of
11 15 correctional services:

11 16 \$11,694,788

11 17 The sixth judicial district department of correctional
11 18 services shall maintain a youth leadership model program to
11 19 help at-risk youth. As a part of the program, the district
11 20 department may recruit college or high school students in the
11 21 judicial district to work with at-risk youth. The student
11 22 workers shall be recruited regardless of gender and be
11 23 recommended by their respective schools as good role models,
11 24 including but not limited to students who possess capabilities
11 25 in one or more of the following areas of ability:
11 26 intellectual capacity, athletics, visual arts, or performing
11 27 arts.

11 28 g. For the seventh judicial district department of

11 29 correctional services:
11 30 \$ 6,713,412
11 31 h. For the eighth judicial district department of
11 32 correctional services:
11 33 \$ 6,794,585
11 34 i. For a transitional housing pilot project for offenders
11 35 on parole who are in the early stages of recovery from
12 1 substance abuse:
12 2 \$ 20,000
12 3 2. Each judicial district department of correctional
12 4 services, within the funding available, shall continue
12 5 programs and plans established within that district to provide
12 6 for intensive supervision, sex offender treatment, diversion
12 7 of low-risk offenders to the least restrictive sanction
12 8 available, job development, and expanded use of intermediate
12 9 criminal sanctions.
12 10 3. Each judicial district department of correctional
12 11 services shall provide alternatives to prison consistent with
12 12 chapter 901B. The alternatives to prison shall ensure public
12 13 safety while providing maximum rehabilitation to the offender.
12 14 A judicial district department may also establish a day
12 15 program.
12 16 4. The governor's office of drug control policy shall
12 17 consider federal grants made to the department of corrections
12 18 for the benefit of each of the eight judicial district
12 19 departments of correctional services as local government
12 20 grants, as defined pursuant to federal regulations.
12 21 5. The department of corrections shall continue to
12 22 contract with a judicial district department of correctional
12 23 services to provide for the rental of electronic monitoring
12 24 equipment which shall be available statewide.
12 25 Sec. 7. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
12 26 APPROPRIATIONS. Notwithstanding section 8.39, within the
12 27 funds appropriated in this Act to the department of
12 28 corrections, the department may reallocate the funds
12 29 appropriated and allocated as necessary to best fulfill the
12 30 needs of the correctional institutions, administration of the
12 31 department, and the judicial district departments of
12 32 correctional services. However, in addition to the
12 33 requirements of sections 904.116 and 905.8 and providing
12 34 notice to the legislative services agency, the department of
12 35 corrections shall also provide notice to the department of
13 1 management, prior to the effective date of the revision or
13 2 reallocation of an appropriation made pursuant to this
13 3 section. The department shall not reallocate an appropriation
13 4 or allocation for the purpose of eliminating any program.
13 5 Sec. 8. INTENT == REPORTS.
13 6 1. The department of corrections shall submit a report on
13 7 inmate labor to the general assembly, to the co-chairpersons
13 8 and the ranking members of the joint appropriations
13 9 subcommittee on the justice system, and to the legislative
13 10 services agency by January 15, 2008. The report shall
13 11 specifically address the progress the department has made in
13 12 implementing the requirements of section 904.701, inmate labor
13 13 on capital improvement projects, community work crews, inmate
13 14 produce gardening, and private-sector employment.
13 15 2. The department in cooperation with townships, the Iowa
13 16 cemetery associations, and other nonprofit or governmental
13 17 entities may use inmate labor to restore or preserve rural
13 18 cemeteries and historical landmarks. The department in
13 19 cooperation with the counties may also use inmate labor to
13 20 clean up roads, major water sources, and other water sources
13 21 around the state.
13 22 3. Each month the department shall provide a status report
13 23 regarding private-sector employment to the legislative
13 24 services agency beginning on July 1, 2007. The report shall
13 25 include the number of offenders employed in the private
13 26 sector, the combined number of hours worked by the offenders,
13 27 and the total amount of allowances, and the distribution of
13 28 allowances pursuant to section 904.702, including any moneys
13 29 deposited in the general fund of the state.
13 30 Sec. 9. ELECTRONIC MONITORING REPORT. The department of
13 31 corrections shall submit a report on electronic monitoring to
13 32 the general assembly, to the co-chairpersons and the ranking
13 33 members of the joint appropriations subcommittee on the
13 34 justice system, and to the legislative services agency by
13 35 January 15, 2008. The report shall specifically address the
14 1 number of persons being electronically monitored and break
14 2 down the number of persons being electronically monitored by
14 3 offense committed. The report shall also include a comparison
14 4 of any data from the prior fiscal year with the current year.

14 5 Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
14 6 1. As used in this section, unless the context otherwise
14 7 requires, "state agency" means the government of the state of
14 8 Iowa, including but not limited to all executive branch
14 9 departments, agencies, boards, bureaus, and commissions, the
14 10 judicial branch, the general assembly and all legislative
14 11 agencies, institutions within the purview of the state board
14 12 of regents, and any corporation whose primary function is to
14 13 act as an instrumentality of the state.
14 14 2. State agencies are hereby encouraged to purchase
14 15 products from Iowa state industries, as defined in section
14 16 904.802, when purchases are required and the products are
14 17 available from Iowa state industries. State agencies shall
14 18 obtain bids from Iowa state industries for purchases of office
14 19 furniture exceeding \$5,000 or in accordance with applicable
14 20 administrative rules related to purchases for the agency.
14 21 Sec. 11. STATE PUBLIC DEFENDER. There is appropriated
14 22 from the general fund of the state to the office of the state
14 23 public defender of the department of inspections and appeals
14 24 for the fiscal year beginning July 1, 2007, and ending June
14 25 30, 2008, the following amounts, or so much thereof as is
14 26 necessary, to be allocated as follows for the purposes
14 27 designated:
14 28 1. For salaries, support, maintenance, and miscellaneous
14 29 purposes:
14 30 \$ 20,845,271
14 31 2. For the fees of court-appointed attorneys for indigent
14 32 adults and juveniles, in accordance with section 232.141 and
14 33 chapter 815:
14 34 \$ 28,752,538
14 35 Sec. 12. IOWA LAW ENFORCEMENT ACADEMY.
15 1 1. There is appropriated from the general fund of the
15 2 state to the Iowa law enforcement academy for the fiscal year
15 3 beginning July 1, 2007, and ending June 30, 2008, the
15 4 following amount, or so much thereof as is necessary, to be
15 5 used for the purposes designated:
15 6 For salaries, support, maintenance, and miscellaneous
15 7 purposes, including jailer training and technical assistance:
15 8 \$ 1,218,985
15 9 It is the intent of the general assembly that the Iowa law
15 10 enforcement academy may provide training of state and local
15 11 law enforcement personnel concerning the recognition of and
15 12 response to persons with Alzheimer's disease.
15 13 The Iowa law enforcement academy may temporarily exceed and
15 14 draw more than the amount appropriated and incur a negative
15 15 cash balance as long as there are receivables equal to or
15 16 greater than the negative balance and the amount appropriated
15 17 in this subsection is not exceeded at the close of the fiscal
15 18 year.
15 19 2. The Iowa law enforcement academy may select at least
15 20 five automobiles of the department of public safety, division
15 21 of state patrol, prior to turning over the automobiles to the
15 22 department of administrative services to be disposed of by
15 23 public auction and the Iowa law enforcement academy may
15 24 exchange any automobile owned by the academy for each
15 25 automobile selected if the selected automobile is used in
15 26 training law enforcement officers at the academy. However,
15 27 any automobile exchanged by the academy shall be substituted
15 28 for the selected vehicle of the department of public safety
15 29 and sold by public auction with the receipts being deposited
15 30 in the depreciation fund to the credit of the department of
15 31 public safety, division of state patrol.
15 32 Sec. 13. BOARD OF PAROLE. There is appropriated from the
15 33 general fund of the state to the board of parole for the
15 34 fiscal year beginning July 1, 2007, and ending June 30, 2008,
15 35 the following amount, or so much thereof as is necessary, to
16 1 be used for the purposes designated:
16 2 For salaries, support, maintenance, and miscellaneous
16 3 purposes:
16 4 \$ 1,177,849
16 5 Sec. 14. DEPARTMENT OF PUBLIC DEFENSE. There is
16 6 appropriated from the general fund of the state to the
16 7 department of public defense for the fiscal year beginning
16 8 July 1, 2007, and ending June 30, 2008, the following amounts,
16 9 or so much thereof as is necessary, to be used for the
16 10 purposes designated:
16 11 1. MILITARY DIVISION
16 12 For salaries, support, maintenance, and miscellaneous
16 13 purposes:
16 14 \$ 6,003,767
16 15 The military division may temporarily exceed and draw more

16 16 than the amount appropriated and incur a negative cash balance
16 17 as long as there are receivables of federal funds equal to or
16 18 greater than the negative balance and the amount appropriated
16 19 in this subsection is not exceeded at the close of the fiscal
16 20 year.

16 21 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
16 22 a. For salaries, support, maintenance, and miscellaneous
16 23 purposes:
16 24 \$ 2,201,033
16 25 b. For the Iowa civil air patrol:
16 26 \$ 100,000

16 27 It is the intent of the general assembly that the homeland
16 28 security and emergency management division work in conjunction
16 29 with the department of public safety, to the extent possible,
16 30 when gathering and analyzing information related to potential
16 31 domestic or foreign security threats, and when monitoring such
16 32 threats.

16 33 Sec. 15. DEPARTMENT OF PUBLIC SAFETY. There is
16 34 appropriated from the general fund of the state to the
16 35 department of public safety for the fiscal year beginning July
17 1 1, 2007, and ending June 30, 2008, the following amounts, or
17 2 so much thereof as is necessary, to be used for the purposes
17 3 designated:

17 4 1. For the department's administrative functions,
17 5 including the criminal justice information system:
17 6 \$ 4,097,900

17 7 2. For the division of criminal investigation, including
17 8 the state's contribution to the peace officers' retirement,
17 9 accident, and disability system provided in chapter 97A in the
17 10 amount of 17 percent of the salaries for which the funds are
17 11 appropriated, to meet federal fund matching requirements:
17 12 \$ 20,512,962

17 13 The department of public safety, with the approval of the
17 14 department of management, may employ no more than two special
17 15 agents and four gaming enforcement officers for each
17 16 additional riverboat regulated after July 1, 2007, and one
17 17 special agent for each racing facility which becomes
17 18 operational during the fiscal year which begins July 1, 2007.
17 19 One additional gaming enforcement officer, up to a total of
17 20 four per riverboat, may be employed for each riverboat that
17 21 has extended operations to 24 hours and has not previously
17 22 operated with a 24-hour schedule. Positions authorized in
17 23 this paragraph are in addition to the full-time equivalent
17 24 positions otherwise authorized in this subsection.

17 25 3. For the criminalistics laboratory fund created in
17 26 section 691.9:
17 27 \$ 342,000

17 28 4. a. For the division of narcotics enforcement,
17 29 including the state's contribution to the peace officers'
17 30 retirement, accident, and disability system provided in
17 31 chapter 97A in the amount of 17 percent of the salaries for
17 32 which the funds are appropriated, to meet federal fund
17 33 matching requirements:
17 34 \$ 5,963,415

17 35 b. For the division of narcotics enforcement for
18 1 undercover purchases:
18 2 \$ 123,343

18 3 5. a. For the division of state fire marshal, including
18 4 the state's contribution to the peace officers' retirement,
18 5 accident, and disability system provided in chapter 97A in the
18 6 amount of 17 percent of the salaries for which the funds are
18 7 appropriated:
18 8 \$ 3,057,454

18 9 b. For the division of state fire marshal, for fire
18 10 protection services as provided through the state fire service
18 11 and emergency response council as created in the department:
18 12 \$ 704,110

18 13 6. For the division of state patrol, for salaries,
18 14 support, maintenance, workers' compensation costs, and
18 15 miscellaneous purposes, including the state's contribution to
18 16 the peace officers' retirement, accident, and disability
18 17 system provided in chapter 97A in the amount of 17 percent of
18 18 the salaries for which the funds are appropriated:
18 19 \$ 47,976,059

18 20 It is the intent of the general assembly that members of
18 21 the state patrol be assigned to patrol the highways and roads
18 22 in lieu of assignments for inspecting school buses for the
18 23 school districts.

18 24 7. For deposit in the sick leave benefits fund established
18 25 under section 80.42, for all departmental employees eligible
18 26 to receive benefits for accrued sick leave under the

18 27 collective bargaining agreement:
 18 28 \$ 316,179
 18 29 An employee of the department of public safety who retires
 18 30 after July 1, 2007, but prior to June 30, 2008, is eligible
 18 31 for payment of life or health insurance premiums as provided
 18 32 for in the collective bargaining agreement covering the public
 18 33 safety bargaining unit at the time of retirement if that
 18 34 employee previously served in a position which would have been
 18 35 covered by the agreement. The employee shall be given credit
 19 1 for the service in that prior position as though it were
 19 2 covered by that agreement. The provisions of this subsection
 19 3 shall not operate to reduce any retirement benefits an
 19 4 employee may have earned under other collective bargaining
 19 5 agreements or retirement programs.
 19 6 8. For costs associated with the training and equipment
 19 7 needs of volunteer fire fighters:
 19 8 \$ 699,587
 19 9 Notwithstanding section 8.33, moneys appropriated in this
 19 10 subsection that remain unobligated or unexpended at the close
 19 11 of the fiscal year shall not revert but shall remain available
 19 12 for expenditure only for the purpose designated in this
 19 13 subsection until the close of the succeeding fiscal year.
 19 14 Notwithstanding section 8.39, within the funds appropriated
 19 15 in this section the department of public safety may reallocate
 19 16 funds as necessary to best fulfill the needs provided for in
 19 17 the appropriation. However, the department shall not
 19 18 reallocate an appropriation made to the department in this
 19 19 section unless notice of the reallocation is given to the
 19 20 legislative services agency and the department of management
 19 21 prior to the effective date of the reallocation. The notice
 19 22 shall include information about the rationale for reallocating
 19 23 the appropriation. The department shall not reallocate an
 19 24 appropriation made in this section for the purpose of
 19 25 eliminating any program.
 19 26 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
 19 27 from the general fund of the state to the Iowa state civil
 19 28 rights commission for the fiscal year beginning July 1, 2007,
 19 29 and ending June 30, 2008, the following amount, or so much
 19 30 thereof as is necessary, to be used for the purposes
 19 31 designated:
 19 32 For salaries, support, maintenance, and miscellaneous
 19 33 purposes:
 19 34 \$ 1,262,647
 19 35 The Iowa state civil rights commission may enter into a
 20 1 contract with a nonprofit organization to provide legal
 20 2 assistance to resolve civil rights complaints.
 20 3 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 20 4 DIVISION. There is appropriated from the wireless E911
 20 5 emergency communications fund created in section 34A.7A to the
 20 6 administrator of the homeland security and emergency
 20 7 management division of the department of public defense for
 20 8 the fiscal year beginning July 1, 2007, and ending June 30,
 20 9 2008, an amount not exceeding \$200,000 to be used for
 20 10 implementation, support, and maintenance of the functions of
 20 11 the administrator and program manager under chapter 34A and to
 20 12 employ the auditor of the state to perform an annual audit of
 20 13 the wireless E911 emergency communications fund.
 20 14 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
 20 15 Notwithstanding section 80B.11B, the Iowa law enforcement
 20 16 academy may charge more than one-half the cost of providing
 20 17 the basic training course if a majority of the Iowa law
 20 18 enforcement academy council authorizes charging more than one=
 20 19 half of the cost of providing basic training. This section is
 20 20 repealed on June 30, 2008.
 20 21 EXPLANATION
 20 22 This bill makes appropriations for fiscal year 2007=2008
 20 23 from the general fund of the state to the departments of
 20 24 justice, corrections, public defense, and public safety, and
 20 25 the Iowa law enforcement academy, office of consumer advocate,
 20 26 office of the state public defender, board of parole, and Iowa
 20 27 state civil rights commission.
 20 28 The bill addresses Code section 80B.11B to provide that for
 20 29 FY 2007=2008 the Iowa law enforcement academy may charge a
 20 30 department of the state, a member of a police force, or any
 20 31 political subdivision of the state more than one-half of the
 20 32 cost to provide the basic training course for a law
 20 33 enforcement officer, provided a majority of the Iowa law
 20 34 enforcement council approves such a charge. Current law
 20 35 prohibits the Iowa law enforcement academy from charging more
 21 1 than one-half of the cost of providing the basic training
 21 2 course.

21 3 The bill provides that the department of corrections may
21 4 reallocate appropriated funds between the institutions of the
21 5 department of corrections, the department's administration,
21 6 and the judicial district departments of correctional
21 7 services. The bill provides the department, prior to the
21 8 effective date of any reallocation, must provide notice to the
21 9 department of management, the legislative services agency, and
21 10 the district board of any judicial district department of
21 11 correctional services affected by the reallocation.
21 12 The bill requires the department of corrections to study
21 13 the long range impact of investing in substance abuse and
21 14 mental health treatment for offenders prior to entering an
21 15 institution of the department.
21 16 The bill provides that the department of public safety may
21 17 also reallocate the funds appropriated to the department
21 18 between the divisions of the department. The bill provides
21 19 that the department, prior to the effective date of any
21 20 reallocation, must provide notice of the reallocation to the
21 21 department of management and the legislative services agency.
21 22 LSB 1118XG 82
21 23 jm:mg/je/5.1